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**CHAPTER 12-100 CHILD SUPPORT ENFORCEMENT PROGRAM  
COMPONENTS AND STANDARDS**

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## CHAPTER 12-100

CHILD SUPPORT ENFORCEMENT PROGRAM  
COMPONENTS AND STANDARDS

## 12-101 GENERAL

## 12-101

- .1 The specific program components of the Child Support Enforcement Program shall be:
- .11 Location of absent parents.
  - .12 Establishment of paternity for children born out of wedlock or for whom paternity is contested.
  - .13 Establishment and modification of court orders for the support of children, including medical support.
  - .14 Enforcement of support orders for children and their custodial parents.
  - .15 Collection and distribution of support payments.
- .2 Definitions of terms used in these regulations, which are common to the Child Support Enforcement Program, are found in MPP Sections 12-301, 12-405, 12-501, 12-601, and 12-701.
- .3 Definitions of terms specific to these regulations are:
- (a) (1) "Aid" -- means assistance payments to former recipients of Aid to Families with Dependent Children (AFDC); current and former recipients of California Work Opportunity and Responsibility to Kids (CalWORKs), which includes legal immigrant cases; Foster Care; and Medi-Cal.
  - (2) "Alleged absent parent" -- means the person identified by the custodial parent as the child's other parent for which there is sufficient supporting evidence to legally proceed with the case.
  - (3) "Application" -- means a written document provided by the local child support agency in which an individual requests support services and which is signed by the individual.
  - (4) "Arrearage" -- means the unpaid support payments for past periods owed by a parent who is obligated to pay by court order.
  - (5) "Assigned collection" -- means a collection which is used to recoup aid paid to the family.
  - (6) "Automated locate source" -- means any locate source in which data is maintained in an automated fashion, regardless of how it is accessed, and the data is updated constantly, i.e., daily, weekly, monthly, or quarterly.

**12-101 GENERAL (Continued)****12-101**

- (b) "Business Day" -- means the day that the local child support agency's office is open for business.
- (c) (1) "California Central Registry" -- means the California Central Registry within the State Department of Justice which operates as a clearinghouse for incoming interstate child support cases.
- (2) "Case action" -- means any documented activity taken or initiated by the local child support agency to further case processing.
- (3) "Case status" -- means that the case is either currently receiving assistance, formerly received assistance, or never received assistance.
- (4) "Collection month" -- means the month in which the support payment is received by the local child support agency.
- (5) "Compliance" -- means the local child support agency has attained either marginal compliance or substantial compliance as defined in these regulations.
- (6) "County welfare department" -- means the county department or departments which administer aid programs.
- (7) "Current support payment" -- means the amount of support collected which meets the court-ordered support obligation for the current month.
- (d) (1) "Date of collection" -- means the date that the support payment is initially received by a Title IV-D agency or employer depending upon the payment source for the purpose of determining entitlement to any payments to families.

(A) The date of collection for each payment source is as follows:

Payment Source		Collection Date
1.	Bankruptcy Trustee	The date that the payment is received by the local child support agency initially making the collection.
2.	Board of Equalization	The date the payment is identified in the title of the transfer report.

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CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS AND STANDARDS

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## 12-101 GENERAL (Continued)

12-101

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|--|---|
| 3. Bond  | The date the payment is received by the local child support agency initially making the collection, if bond is deposited in a non-county fund. If money is deposited in a county fund, the date the payment is drawn for application. |
| 4. Debtor Exam   | The date received by the county.  |
| 5. Financial Management Services Offset  | The date identified in the title of the transfer report.  |
| 6. FTB Child Support Collection Program  | The date provided by the Franchise Tax Board.   |
| 7. Intercept payments [Internal Revenue Service (IRS)/ Franchise Tax Board (FTB)/Lottery Commission] | The date the payment is identified in the title of the transfer report.   |
| 8. IRS Full Collection   | The date initially received by the Attorney General, which is provided to counties.   |
| 9. Liens   | The date that the payment is received by the local child support agency initially making the collection.  |
| 10. Military Allotment   | The date the payment is received by the local child support agency initially making the collection.   |

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**12-101 GENERAL** (Continued)**12-101**

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|--|--|
| 11. Noncustodial parent payments               | The date that the payment is received by the local child support agency initially making the collection.   |
| 12. Wage withholding                           | <p>For purposes of determining entitlement to any payments to families, the date of collection is the date that the payment is withheld from the absent parent's wages by the employer. This date is provided by the employer.</p> <p>If the employer does not provide this date, the local child support agency shall either contact the employer to obtain the date; or reconstruct the date by comparing the actual amounts collected with the pay schedule specified in the court order.</p> |
| 13. Writs/till taps                            | For purposes of determining entitlement to any payments to families, the date of collection is the date that the payment is received by the local child support agency after the period for appealing the action has expired.  |
| 14. Unemployment Insurance Disability Benefits | The date the benefit is issued payments to the absent parent which is identified on the transfer report, and labeled as the issue date.  |

**12-101 GENERAL** (Continued)**12-101**

- (B) The date of collection for each multi-jurisdictional payment source is as follows:

## Payment Source

## Collection Date

1. Intercounty payments
 

The date of collection is contingent upon the payment source in the California county initially making the collection [see Section 12-101.3d.(1)(A)].
2. Interstate payments
 

For purposes of determining entitlement to any payments to families, the date of collection is contingent upon the payment source in the state initially making the collection.

  - (i) Initiating
 

For initiating jurisdictions (the other state Title IV-D agency initially makes the collection) the date of collection for purposes of determining entitlement to any payments to families, is the date of collection provided by the other state.
  - (ii) Responding
 

For responding jurisdictions (the California county initially makes the collection) the date of collection is contingent upon the payment source in the county initially making the collection [see Section 12-101.3d.(1)(A)].



## CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS AND STANDARDS

## 12-101 GENERAL (Continued)

12-101

- (C) The date of collection for postdated checks and unidentified payments is as follows:

## Payment Source

## Collection Date

- |                          |   |
|--------------------------|---|
| 1. Postdated checks      | For purposes of determining entitlement to any payments to families, the date of collection is the date the payment is posted by the local child support agency initially making the collection.                                    |
| 2. Unidentified payments | For purposes of determining entitlement to any payments to families, the date of collection is contingent upon the payment source by the local child support agency initially making the collection [see Section 12-101.3d.(1)(A)]. |

- (2) "Date of receipt" -- means the date that the county receives the support payment.
- (3) "Department" -- means the California Department of Social Services.
- (4) "Diligent effort" -- For service of process, diligent effort means the local child support agency shall attempt all appropriate statutory mechanisms for serving process and shall repeat such attempts as soon as new information becomes available or yearly, whichever occurs first.
- (5) "Direct payment" -- means a payment which was sent directly to the custodial parent rather than to the local child support agency.
- (6) "Director" -- means the Director of the California Department of Social Services.
- (7) ADisposition -- means the date on which a support order is officially established, recorded, or the action is dismissed. For purposes of expedited process time frames, a case disposition can occur when: The judge, commissioner, or referee announces the disposition in open court; or, the judge, commissioner, or referee signs the disposition after taking the case under consideration; or, the judge signs the disposition recommended by a commissioner or referee, or signs the disposition modified by the court, according to Code of Civil Procedure Sections 259 or 640.1.
- (8) "Disregard" -- means up to the first \$50 of a current support collection made on behalf of a current assistance case receiving CalWORKs aid.

**12-101 GENERAL (Continued)****12-101**

- (e) (1) "Excess" -- means the amount of support that exceeds the Unreimbursed Assistance Pool.
- (2) AExpedited process $\equiv$  -- means a quasi-judicial child support hearing process established under a Plan of Cooperation or established by operation of law that meets specified processing times.
- (3) AExpedited process time frames $\equiv$  -- means the time frames specified in Section 12-109.3 in which actions to establish a support order or a medical support order and, if necessary, paternity must reach a disposition.
- (4) AExpedited processes $\equiv$  -- means expedited judicial or quasi-judicial processes or both which increase effectiveness and meet specified processing times.
- (f) (Reserved)
- (g) (Reserved)
- (h) (Reserved)
- (i) "Interstate case" - means any case involving California and any other jurisdiction which has adopted the Uniform Reciprocal Enforcement of Support Act provisions.
- (j) (Reserved)
- (k) (Reserved)
- (l) (1) "Local Child Support Agency" -- means the district attorney until transition to the local child support agency, or the local child support agency after full transition from the district attorney, pursuant to Family Code Section 17305.
- (2) "Location" -- means information concerning the physical whereabouts of the absent parent or his/her employer, sources of income, or assets which is sufficient to initiate the next appropriate action in a case.
- (m) (1) "Marginal compliance" -- For the purpose of passing on federal sanctions, marginal compliance means a county achieves compliance with each program performance standard in at least 75 percent but not more than 80 percent of the cases reviewed.
- (n) (1) "Noncompliance" -- For the purposes of paying incentives and passing on federal sanctions, noncompliance means a county fails to achieve compliance with each program performance standard in 75 percent of the cases reviewed, and as otherwise specified in these regulations.

Regulations	CHILD SUPPORT PROGRAM	12-101 (Cont.)
CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS AND STANDARDS		
12-101	<b>GENERAL</b> (Continued)	12-101
(o)	(Reserved)	
(p)	<p data-bbox="383 243 1386 331">(1) "Pass-on Payments" -- means the amount by which the current support collection exceeds the assistance paid during the collection month in a federal foster care case.</p> <p data-bbox="383 373 1386 504">(2) "Payments to Families" -- means [from the support payment collected] the amount of support that belongs to the family or on behalf of the foster care child (i.e., disregard, pass-on, excess, and/or non-assistance payments).</p> <p data-bbox="383 541 1386 638">(3) "Plan of Cooperation" -- means the contractual agreement between the Department and each county's local child support agency for administering the Child Support Enforcement Program.</p>	
(q)	(1) "Quick Locate" -- means a direct informal request for locate services from one state parent locator service to another state's parent locator service, rather than an official request for locate services from one state parent locator service to another state's Central Registry using interstate referral Form FSA 200, Child Support Enforcement Transmittal (Rev. 1/91).	
(r)	(Reserved)	
(s)	<p data-bbox="383 976 1386 1073">(1) "Self-review counties" -- means the 36 largest counties based on child support caseload which will perform their own compliance reviews as directed by the Department.</p> <p data-bbox="383 1115 1386 1178">(2) AService of process≡ -- means the delivery or other communication of writs, summonses, etc., required by law for the particular proceeding.</p> <p data-bbox="383 1220 1386 1316">(3) "State IV-D Director" -- means the Chief of the Child Support Program Branch within the Department who manages the Child Support Enforcement Program.</p> <p data-bbox="383 1358 1386 1455">(4) "State-review counties" -- means the 22 smallest counties based on child support caseload whose compliance reviews will be conducted by the Department.</p> <p data-bbox="383 1497 1386 1593">(5) "Submit" -- For the purpose of determining the date of submission, items shall be considered submitted to the Department on the date they are postmarked.</p> <p data-bbox="383 1635 1386 1753">(6) "Substantial compliance" -- For the purposes of paying incentives and passing on federal sanctions, substantial compliance means the county achieves compliance with each program performance standard in more than 80 percent of the cases reviewed.</p> <p data-bbox="383 1795 1386 1915">(7) ASupport order≡ -- means a judgment or order of support, including medical support, whether temporary, final, or subject to modification, termination, or remission, regardless of the kind of action or proceeding in which it is entered.</p>	

**12-101 GENERAL** (Continued)**12-101**

- (t) (Reserved)
- (u) (Reserved)
- (v) (Reserved)
- (w) "Working relationship" -- For locating absent parents, working relationship means an agreement between the local child support agency and a locate source regarding how and what location information will be exchanged.
- (x) (Reserved)
- (y) (Reserved)
- (z) (Reserved)

**.4 Forms Definitions**

The following forms are incorporated by reference:

- (a) CS 356.2 (1/99), IV-D Child Support Expenditure Schedule and Certification, Page 2
- (b) CS 800 (11/98), Child/Family and Spousal Support Payments - Assistance Related Distribution/Disbursement Summary
- (c) CS 801 (11/98), Child/Family and Spousal Support - Assistance Distribution/Disbursement Detail
- (d) CS 802 (11/98), CS 800 Reconciliation and Worksheet
- (e) CS 803 (11/98), CS 800 Intercounty Collections - Assistance Related Disbursements
- (f) CS 820 (10/98), Child/Family/Spousal and Medical Support Collections and Non-Assistance Distributions and Disbursements Summary
- (g) CS 821 (10/98), Child/Family/Spousal and Medical Support Collections Detail

NOTE: Authority cited: Sections 17310 and 17312, Family Code. Reference: Section 11457, Welfare and Institutions Code; Sections 259 and 640.1, Code of Civil Procedures; Sections 155, 17310, and 17312, Family Code; 45 CFR 302.51(a); 45 CFR 303.7(a)(7)(iv); 45 CFR 303.101(a) and (b)(2)(i) and (iv); 45 CFR 302.51 and .52; 45 CFR 232.11; Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193), Sections 454B(c)(1) and (d) [42 U.S.C. 654B(c)(1) and (d)] and Sections 457(a) and (f) [42 U.S.C. 657(a) and (f)]; Office of Child Support Enforcement Action Transmittal 97-13, Section K - Question 70; and Office of Child Support Action Transmittal 97-17, Sections III and VIII, and Questions 9 and 21.

**12-102 PROGRAM REQUIREMENTS****12-102**

- .1 The district attorney shall:
  - .11 Accept all cases which are referred from the county welfare department.
  - .12 Accept all cases for which an application for services is filed.
  - .13 Provide all appropriate services to all cases, as needed.
- .2 Nothing in this section shall preclude the district attorney from the following:
  - .21 Prioritizing the caseload.
  - .22 Closing cases.
    - .221 Case closure shall be done in accordance with Chapter 12-300.
- .3 The district attorney shall meet all time standards for case processing for all cases regardless of their priority.
- .4 The district attorney shall make diligent effort to serve process at any point during case processing at which service of process becomes necessary.
- .5 The district attorney shall provide sufficient staffing and resources to meet all time standards contained in these regulations.

NOTE: Authority cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code. Reference: Sections 11479.5 and 15200.8 et seq., Welfare and Institutions Code; and 45 CFR 302.33 and 303.10.

**12-103 TIME STANDARDS - CASE INTAKE AND RECORDS****12-103**

.1 Through .24 Repealed by regulation package R-4-01E, effective 9/10/01.

**12-104 TIME STANDARDS - LOCATION OF ABSENT PARENTS****12-104**

.1 Through .432 Repealed by regulation package R-3-01E, effective 9/4/01.

.433 Through .5 Repealed by regulation package R-5-01E, effective 9/24/01.

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**12-105     TIME STANDARDS - ESTABLISHMENT OF PATERNITY****12-105**

Repealed by Manual Letter No. CS-96-01, effective 7/18/96.



**12-106 TIME STANDARDS - ESTABLISHMENT OF SUPPORT ORDERS****12-106**

- .1 Within 90 calendar days of locating the alleged father or noncustodial parent, the district attorney shall do at least one of the following:
  - .11 Establish a support order and, if necessary, paternity; or,
  - .12 Complete service of process necessary to establish a support order and, if necessary, paternity; or,
  - .13 Document unsuccessful attempts to serve process.
- .2 If service of process is completed, then the action to establish a support order and, if necessary, paternity must be disposed of within expedited process time frames under Section 12-109.3.
- .3 If the court dismisses a petition for a support order without prejudice, the district attorney shall:
  - .31 Examine the reasons for dismissal.
  - .32 Determine the appropriate time to seek a support order in the future.
  - .33 Petition the court for an order at the appropriate time.

NOTE: Authority cited: Sections 10553, 10554, 11475, 11475.1, and 11479.5, Welfare and Institutions Code. Reference: Section 11479.5, Welfare and Institutions Code and 45 CFR 303.4, .4(d), and 303.101.

**12-107 TIME STANDARDS - ENFORCEMENT OF SUPPORT ORDERS****12-107**

- .1 The district attorney shall establish and utilize a system for monitoring compliance with support order.
  - .11 This system shall identify cases in which there is failure to comply with the support order on the date the absent parent fails to make payment(s) equal to one month's support obligation.
- .2 Upon identifying a delinquency, identifying any other support related noncompliance with the order, or locating the absent parent when that person's location was unknown, the district attorney shall:
  - .21 Initiate wage withholding immediately.
  - .22 Initiate any other appropriate enforcement techniques within 30 days if service of process is not necessary.

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CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS AND STANDARDS

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**12-107 TIME STANDARDS - ENFORCEMENT OF SUPPORT ORDERS**  
(Continued)**12-107**

- .23 Do one of the following within 60 calendar days if service of process is necessary to initiate any other enforcement techniques:
  - .231 Complete service of process necessary to enforce the support order and initiate the appropriate enforcement technique.
  - .232 Document unsuccessful attempts to serve process.

.3 - .33 Repealed by regulations package R-09-02-E, Effective 10/21/02.

- .4 The district attorney shall submit once a year to the Department all cases eligible for federal or state tax refund offset pursuant to Chapter 11-700.
- .5 For cases in which enforcement efforts are unsuccessful, the district attorney shall:
  - .51 Examine the reasons for failure of the enforcement effort.
  - .52 Determine when it would be appropriate to seek enforcement in the future.
  - .53 Initiate future enforcement activities when appropriate.

NOTE: Authority cited: Sections 10553, 10554 and 11475, Welfare and Institutions Code. Reference: Section 11479.5, Welfare and Institutions Code; and 45 CFR 303.6, 303.72, 303.100, (b), (f)(2), and 303.102.

**12-108 TIME STANDARDS - DISBURSEMENT OF COLLECTIONS****12-108**

- .1 The local child support agency shall notify the county welfare department of the amount of any collection which represents payment on a current support order on behalf of cases receiving CalWORKs or Foster Care within 10 working days of the end of the month in which support is received by the local child support agency for final distribution of the collection.

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CHILD SUPPORT ENFORCEMENT PROGRAM COMPONENTS AND STANDARDS

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**12-108 TIME STANDARDS - DISBURSEMENT OF COLLECTIONS (Continued) 12-108**

- .2 For interstate cases, the local child support agency shall disburse collections on behalf of other states to the initiating state within two business days from the date of receipt by the county.
- .3 The local child support agency shall disburse collections received from a child support enforcement agency in another state within the time standards set forth in this section.
- .4 For intercounty cases, the local child support agency shall forward collections made on behalf of another California county to the initiating county as soon as possible so that payments can be made to the family within the time standards set forth in this section.
- .5 When the local child support agency issues the \$50 disregard payments for the county welfare department, the local child support agency shall:
  - .51 Disburse the first of \$50 of current support payments collected on behalf of families receiving CalWORKs within two business days from the date that the payment was received by the county.
    - .511 If the amount collected is less than \$50, the CalWORKs family shall be paid the entire amount within two business days from the date that the payment was received by the county.
- .6 When the local child support agency distributes collections made on behalf of cases receiving CalWORKs, any excess payments due to the family shall be paid within 15 calendar days from the end of the collection month as defined in Section 12-101.3(c)(4), except as provided in Section 12-108.9.
- .7 Pass-on and excess payments in federal foster care cases, and excess payments in nonfederal foster care cases shall be forwarded to the county welfare department, (i.e., the designated agency responsible for placement and care of the child) within 15 calendar days from the end of the collection month as defined in Section 12-101.3(c)(4).
- .8 When the local child support agency disburses collections made on behalf of cases not currently receiving CalWORKs or foster care, any payments due to the former assistance and never assistance family shall be paid within two business days from the date of receipt by the county.
- .9 Any payments due to the family from Internal Revenue Service (IRS) and Franchise Tax Board (FTB) tax intercept collections shall be paid within 30 calendar days from the date of collection for meeting the time standards as defined in Section 12-101.3d.(1).

NOTE: Authority cited: Sections 17310 and 17312, Family Code. Reference: Section 17310, Family Code; 45 CFR 302.32, 302.52, 303.7(a)(4), 303.72(h)(5) and 303.102; Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193), Section 454B(c)(1) [42 U.S.C. 654B(c)(1)] and Sections 457(a) and (f) [42 U.S.C. 657(a) and (f)]; and Office of Child Support Enforcement Action Transmittal 97-13, Section K - Question 70, Office of Child Support Enforcement Action Transmittal 97-17, Section III, and Question 21, and Office of Child Support Enforcement Action Transmittal 99-01.

**12-109 EXPEDITED PROCESS****12-109**

- .1 All actions filed by the district attorney to establish a child support order and, if necessary, paternity, shall reach a disposition within the expedited process time frames prescribed under Section 12-109.3.
- .11 All actions filed by the district attorney to establish only a medical support order when it is inappropriate to also establish a support order shall reach a disposition within expedited process time frames.
- .2 Time frames for disposition of actions shall apply whether the hearing process is presided over by a judge, commissioner, or referee.
- .3 Time frames for disposition of all monthly actions to establish a child support order and, if necessary, paternity are as follows:
  - .31 Seventy-five percent of the actions must reach disposition within six months of service of process;
  - .32 Ninety percent of the actions must reach disposition within 12 months of service of process.

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**HANDBOOK BEGINS HERE**

- .321 For example: if there are 100 cases with actions to establish a support order in the monthly expedited process caseload, then 75 of those actions (75 percent) must reach a disposition within six months; and, 15 more of those actions comprising 90 actions (90 percent) must reach a disposition within 12 months of service of process. These time frames apply whether or not an action to establish paternity is also in the complaint.
- .322 Time frames are measured in months. For example: if service of process was completed on March 31, the expedited process time clock starts on April 1; hence, the action must reach a disposition by midnight October 1st to meet the six-month time frame; or by midnight April 1st of the following year to meet the 12-month time frame.
- .33 In accordance with Code of Civil Procedure (CCP) Section 12 et seq., an expedited process time frame is extended to and includes the next day which is not a holiday when the last day of a time frame is a holiday.
- .34 Service of process is considered completed according to all applicable state laws.
  - .341 According to CCP Section 12, the actual day of service is not counted under California law.

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**HANDBOOK CONTINUES**

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**12-109 EXPEDITED PROCESS** (Continued)

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**HANDBOOK CONTINUES**

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- .342 See CCP Sections 1013 et seq., when substituted service is the method by which the Summons and Complaints were served. For example, an additional 10 days from the date the Summons and Complaints are mailed after they are left at the home of the defendant must be added to determine the legal date of service. This means that if the process server leaves the documents at the home of the defendant on the first day of the month, and mails a copy on the second day of the month (and complies with all other provisions of California law) service is legally completed on the twelfth day of the month.
- .343 See CCP Section 1013, when serving a Notice of Motion by mail to an address in California. For example, if the agency mails a Notice of Motion on the first day of the month then the legal day that service was completed is really the sixth day of the month. Ten days must be added to determine the legal date of service if the address is outside of California; twenty days if the address is outside the U.S.

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- .4 Time frames for disposition of an action subject to expedited process requirements begin when service of process is completed, regardless of the age of the child(ren) in question, and end on the day that the judge, commissioner, or referee, renders a disposition for the action.
- .41 If the court dismisses a petition for a support order without prejudice, then the requirements under Section 12-106.3 shall apply.
- .42 If the court orders support and the order is made retroactive to an earlier date, the date on which support was ordered is the disposition date for expedited process purposes and not the date to which the order is made retroactive.
- .43 If the district attorney uses long-arm jurisdiction in a case, and a disposition occurs within 12 months of service of process upon the alleged father or noncustodial parent, the action may be considered disposed of within the 6-month time frame instead of the 12-month time frame regardless of when disposition occurred in the 12 months following service of process.
- .44 If the court determines, based on the child support guidelines or based upon specific circumstances, that the obligor has no present ability to pay support or - that establishing a support order would be inappropriate, then a finding on record of the determination counts as a disposition for expedited process time frames.

**12-109 EXPEDITED PROCESS** (Continued)

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- .441 For example: It may be inappropriate to establish a support order in cases wherein the noncustodial parent is a minor, incapacitated, or incarcerated; or, the case requires only the establishment of paternity.

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**HANDBOOK ENDS HERE**

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- .45 If the court establishes a support order but reserves the amount of child support, then the reserved order counts as a disposition for expedited process time frames.
- .46 If a temporary support order is established according to the guidelines for setting child support awards, or established on a finding on the record that application of the guidelines would be inappropriate, then the temporary order counts as a disposition for expedited process time frames.
- .47 If, in a responding interstate case, the court takes the case off-calendar or discharged the action to preserve the underlying Interstate Petition, then such action by the court is the equivalent of a dismissal and counts as a disposition for expedited processes.
- .48 If an action to establish a support order is amended, the date that service of the amended action is completed is both the disposition date for the initial action and the start date of the expedited process time frames for the amended action.

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- .481 Amending the initial action is the same as dismissing the first pleading. The first action is substituted in all respects by the second pleading, including the defendant=s right to answer the initial action.

For example: service of process is completed for purposes of establishing a support order on behalf of two children. Subsequently, the district attorney determines that the pleading needs correcting or that a third child needs to be included in the pleading. The initial action is amended to include the third child and service of that second action is completed. By law upon completing service of the amended action, the initial action is deemed dismissed and is superceded by the amended action.

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**HANDBOOK ENDS HERE**

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- .5 Any legal instrument containing an action initiated by the district attorney to establish a support order and, if necessary, paternity that requires service of process and requires the court to make a disposition is subject to expedited process time frames, e.g., Notice of Motion, Order to Show Cause, or Summons and Complaint, etc.

**12-109 EXPEDITED PROCESS** (Continued)

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**HANDBOOK BEGINS HERE**

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- .51 Specific types of establishment actions subject to expedited process time frames upon service of process include, but are not limited to:
- .511 Welfare and Institutions Code Sections 11350(a)(1) and (a)(2) actions;
  - .512 Welfare and Institutions Code Section 11350.1 actions;
  - .513 Family Code Section 4002 non-welfare actions;
  - .514 Responding Interstate Petitions, but not Initiated Interstate Petitions;
  - .515 CCP Section 464, Supplemental Pleadings.

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**HANDBOOK ENDS HERE**

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- .52 The following actions are not subject to expedited process time frames:
- .521 An action to review and modify a child support order, including an action to insert a medical support provision in an existing order, is subject to review and modification time frames within Division 12.
  - .522 An action to enforce a child support order is subject to enforcement requirements under Section 12-107.
- .53 All cases with actions subject to expedited process time frames shall, at a minimum, be identified by the following information:
- .531 Title IV-D case name/number;
  - .532 Date that service of process was completed;
  - .533 Date of disposition.
- .6 Repealed by Manual Letter No. CS 98-02, effective 7-1-98.
- .7 Repealed by Manual Letter No. CS 98-02, effective 7-1-98.

NOTE: Authority cited: Sections 10554, 11475, 11475.1, and 11479.5, Welfare and Institutions Code. Reference: Sections 11475, 11475.1, and 11479.5, Welfare and Institutions Code; Sections 4251 and 4252, Family Code; Sections 12, 259, 639.5, 640.1, and 1013, Code of Civil Procedures; 45 CFR 302.10, 302.12, and 302.34; and 45 CFR 303.3(a)(ii) and .101.

**12-110 CHILD SUPPORT COOPERATION****12-110**

Repealed by regulation package R-4-01E, effective 9/10/01.



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